

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY J. ROBERTSON,

Plaintiff,

v.

WYNN LAS VEGAS, LLC,

Defendant.

2:10-cv-00303-GMN-LRL

O R D E R

This case comes before the court on Nelson Law's Motion to Withdraw as Plaintiff Gregory J. Robertson's Counsel (#28). The court has considered the motion, defendant's Limited Opposition (#29), and Nelson Law's Reply (#31).

Defendant doesn't object to the withdrawal of the Nelson firm, provided that it doesn't hinder the ability of defendant's expert to complete an inspection of plaintiff's personal desktop computer and cellular telephone SD memory card in sufficient time to prepare an expert report by the current expert disclosure deadline of November 26, 2010. Nelson Law notes that arrangements have now been made to turn the SD memory card over to defendant's expert "without delay." Nelson Law concedes that plaintiff's desktop computer is "probably discoverable," but questions whether the probative value of the computer's contents will outweigh the privacy invasion inherent in defendant's forensic examination.

The court will allow Nelson Law to withdraw, but not until plaintiff's cellular telephone SD memory card has been turned over to defendant for its examination. Plaintiff will be given a reasonable period of time in which to retain new counsel. All current deadlines under the scheduling order will be

1 suspended until either new counsel is retained or it is determined that plaintiff will represent himself.
2 In the meantime, plaintiff is ordered to keep and preserve his desktop computer, and not to purge or
3 cleanse the computer of any of its files or other contents, pending further order of the court. Nelson Law
4 shall provide a copy of this order to plaintiff and explain to him that a violation of any part of this
5 court's order regarding the desktop computer may lead to significant sanctions against plaintiff,
6 including dismissal of his lawsuit. Accordingly, and for good cause shown,

7 IT IS ORDERED that Nelson Law's Motion to Withdraw as Plaintiff Gregory J. Robertson's
8 Counsel (#28) is granted as follows:

9 1. Nelson Law may withdraw when it has insured that plaintiff's cellular telephone SD memory
10 card has been turned over to defendant for its examination.

11 2. Plaintiff will have until December 10, 2010 to retain new counsel. Not later than December
12 10, 2010, either new counsel shall file a notice of appearance or plaintiff shall file a status memorandum
13 indicating he will represent himself.

14 3. The unexpired deadlines in the current scheduling order (#19, filed August 5, 2010) will be
15 suspended until December 13, 2010. When the deadlines are reinstated, they will be extended by the
16 same period of time they were suspended.

17 DATED this 28th day of October, 2010.

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20 **LAWRENCE R. LEAVITT**
21 **UNITED STATES MAGISTRATE JUDGE**
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